

APPROVED: Meeting No. 44-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 36-95

July 10, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 10, 1995, at 7:38 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

ABSENT

Councilmember Nina A. Weisbroth  
(Maternity Leave)

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn thanked the Mayor and Council for providing the resources and creative environment to support the City's July 4th Independence Day celebration. Over 25,000 attended the event and enjoyed food, concerts and a spectacular fireworks display. He noted that City staff did an excellent job in coordinating the event and he introduced Special Events Coordinator, Christine Heckhaus, who was responsible for coordinating the event. Mr. Kuckkahn also thanked Mike Critzer who choreographed the fireworks display this year.

2. Montrose Park hosted this year's Latino festival. The celebration was kicked off with a colorful parade, and there was food, entertainment, and a variety of

events throughout the day. Crowds were estimated at 10,000-12,000 over the course of the day. The event has become so popular that plans are underway to move future events to another location.

3. Mr. Kuckkahn displayed a copy of the Rockville Seniors, Inc. gift brochure used for soliciting donations and bequests for the Senior Center and its services. He said the program was given a boost when long-time Senior Center member Mary Schultz made a \$10,000 donation.

Councilmember Marrinan encouraged staff to seek alternate sites for the Latino festival which caused a number of traffic problems. He suggested that the City work with the County on identifying a site for the annual event.

Councilmember Krasnow agreed that the July 4th fireworks were outstanding, and she said the show would be hard to top.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Eileen Mader, 2320 Pinneberg Avenue said that since 1954, she had been active in arts and culture. She spoke in support of the Davidson sculpture proposal for Courthouse Square and asked that the Mayor and Council consider her remarks when making a decision.

2. Stan Klein, 7 Lorre Court presented a photograph taken during the Lincoln Park Anniversary parade of the Acting City Manager and Police Chief removing a street barricade following the conclusion of the parade. Mr. Klein said that the photo accurately portrayed Rockville as a "small town/home town."

3. Alice Kelley, 401 W. Montgomery Avenue encouraged the Mayor and

Council to make a decision this evening on the art sculpture, and she encouraged the selection of the Davidson statue. As President of the West End Citizens Association, Ms. Kelly spoke about the County's Public Safety Committee which is conducting a summer study on the jail site selection process. She said that a presentation made suggested the downtown Rockville parking lot as a possible site for the jail. Ms. Kelly said that Montgomery County officials were disregarding the moral and ethical commitment that they made to the City years ago.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, David Melnick was appointed to serve as a Temporary member on the Board of Appeals to hear Special Exception Cases SPX95-0227 and SPX95-0228, West Montgomery Hotel Holdings, Inc., Applicant.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Lorenzo Ricks was appointed to serve on the Heritage Park Cooperative Board of Directors.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following appointments were made to the Human Rights Commission: Moved by Councilmember Dorsey - Patricia F. Powell (Term expires 01/01/96); Diane Yarbrow-Swift (Term expires 7/1/99); and moved by Councilmember Krasnow - Lloyd P. Welter (Term expires 2/1/99).

Mayor Coyle noted the presence of County Councilmember Bill Hanna, also a former Mayor of Rockville.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Willie Coleman was appointed to serve on the Housing Authority Board of Commissioners.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 17-95 (March 20, 1995) were approved as written.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 17A-95 (March 21, 1995) were approved with one correction noted on page 2.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 18-95 (March 20, 1995) were approved as written.

Re: Consent Agenda

Councilmember Krasnow requested removal of Item C. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- (A) Award of Bid #13-96  
To: Nekoosa Contracting Corporation  
Of: Forestville, Maryland  
In the amount of: \$66,020

For: Construction services for the extension of a 12" water main adjacent to Veirs Mill Road.

- (B) Award of Bid #15-96  
To: Chesapeake Publishing Company  
Of: Wheaton, Maryland  
In the amount of: \$26,352

For: Printing, preparation for mailing, and mailing of the Recreation and Parks seasonal program guides.

Re: Item (C) - Approval of Option Contract to grant easements to the State Highway Administration (SHA) of the Maryland Department of Transportation.

The attached Option Contract was negotiated with the SHA for sale of City-owned land needed by the State for improvement of Maryland Route 28.

Councilmember Krasnow requested removal of the item in order to note that the City had already approved certain easements near the Shell service station and she asked what was being accomplished with this contract that was different than what was approved earlier. Real Estate Specialist Bernie Fitzgerald explained that a couple of years ago, the City granted the sale of property to the State Highway Administration in another location near Crofton Hill Lane. He said this action was separate from the previous action although the project was the same. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Option Contract was approved.

Re: Discussion and Instruction to Staff regarding the three finalists' proposals for Courthouse Square Park art work.

Three finalists revised their proposals according to comments by the Artist Nomination Committee and the Cultural Arts Commission.

Mayor Coyle said since the June 26 General Session, the Mayor and Council conducted a visit to the Courthouse Square site to get a better understanding of the site and height issues involved in each sculpture proposal.

Councilmember Krasnow commented that she would vote to approve the Davidson Fountain although she said that some final determinations about the actual design would still have to be decided in negotiations with the artist and appropriately accepted by the advisory commissions.

CAC Chairperson Charles Goldstein confirmed that the issues that still needed to be addressed were the flow of water, the position of the figure, what the figure would be holding, and the inscription on the object the figure would be holding. Councilmember Marrinan reminded Mr. Goldstein that the Mayor and Council would like to see some involvement of the youth in the inscription of the object the figure held. Mr. Marrinan said he appreciated the opportunity to view the site and he noted that the number of communications the Mayor and Council received about the proposal along with expert advice from Bill Helmuth, the Architect, and the artists, had been very helpful and he said he felt comfortable supporting the Davidson proposal.

Councilmember Dorsey said that he also appreciated the opportunity to visit the site. He also said that he appreciated most of the comments many persons shared with him about the art work, because he said that in Rockville, there was a genuine, sincere passion about what was right and best for the City.

Mayor Coyle noted that he spoke to Councilmember Weisbroth who indicated that she liked both pieces but felt more comfortable supporting the Davidson proposal.

The Mayor and Council thanked the CAC and Artist Nomination Committee who worked extremely hard to come up with a recommendation for the Mayor and Council.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Davidson proposal was accepted by the Mayor and Council. Mayor Coyle asked that the record reflect Councilmember Weisbroth's support for the Davidson piece. Councilmember Marrinan asked that the Cultural Arts Commission work with a private entity in obtaining financing to place the Mendez sculpture somewhere in the City in order to capture the many positive points about the sculpture that were raised by the community.

Re: Approval of request by Cornelius M. Whalen, Trustee, to restructure payment for the \$1.1 million promissory note pertaining to the vacant parcel located at the corner of Middle Lane and North Washington Street adjacent to the Victoria Condominium.

Mr. Glasgow said that the City had received a request to restructure payment of a Note from Cornelius Whalen to the Mayor and Council, on a vacant parcel of land at the corner of Middle Lane and North Washington Street, adjacent to the Victoria Condominium. Mr. Glasgow gave an overview of the background of the loan and the financial hardships that the Trustee has experienced as a result of the difficulty in selling the Victoria Condominium units. Mr. Glasgow clarified that the vacant land would serve as collateral for the loan, and in addition to putting up the land as collateral in the event of non-payment, Mr. Whalen also personally guaranteed the loan.

Councilmember Marrinan said he felt comfortable going forward with the request as Mr. Whalen, a Rockville resident, has done a great deal of work and been involved in the City for many years. Councilmember Krasnow reiterated Mr. Marrinan's comments and said that it would take many persons, both public and private to effect the successful redevelopment of the City's downtown. She noted that Mr. Whalen, one of the

first to come through for the City, owned a standing building with the land that it sits on that was paid in full to the City. She said that she knew Mr. Whalen looked forward to development taking place on his remaining site.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the approval to restructure Cornelius Whalen's payment of a \$1.1 million promissory note was granted.

Re: FYI/Correspondence

1. Mayor Coyle noted the Rotary Twilight Runfest taking place July 15 at 7 p.m. on the Middle Lane Lot.

Re: New Business

1. Mayor Coyle suggested that the Mayor and Council send a letter to the County expressing hope that the County Council will consider the City's request for approval of the transfer station. The Mayor noted that County Executive Doug Duncan transmitted the request to the County Council few weeks ago.

2. Councilmember Marrinan suggested that the Mayor and Council again communicate to the County Council, the City's strong feelings about the expansion on the Seven Locks site. He also suggested the City reach out to the County with an offer to provide them with some input that will help the County in the very difficult decision-making process.

3. Mayor Coyle noted that he conducted a briefing for 18 legislators from Kyrgyzstan. The visiting delegation, sponsored by the American Society of Public Administrators, was very interested in local government and democracy.



Re: Next Meeting

The Mayor and Council will meet on July 17, 1995 to conduct a Public Hearing.

Re: Adjourn to Executive Session

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, with Mayor Coyle and Councilmembers Dorsey, Krasnow, and Marrinan voting "aye" (Councilmember Weisbroth was absent), pursuant to Section 10-508(a)(1)(i) and (7) of the State Government Article, Annotated Code of Maryland, the Mayor and Council adjourned to Executive Session at 8:29 p.m. to discuss personnel issues and to obtain legal advice from counsel.